REMARKS

In accordance with 37 CFR 1.133(b), applicants herein below provide a complete written statement of the reasons warranting favorable action by the Office presented during the telephonic interview of July 29, 2003. Present during the interview was Examiner Joynes and Denis Polyn.

Applicants' attorney called Examiner Joynes on July 29 to discuss the supplemental response that was mailed and faxed to the United States Patent & Trademark Office on May 30, 2003. Each of the references of record was discussed and Applicants' attorney argued that the claims were allowable for the reasons set forth in the May 30 response.

There was also discussion relating to ARED's Report No. 8. While the title of that report reads "A Randomized, Placebo-Controlled, Clinical Trial of High-Dose Supplementation With Vitamins C and E, Beta Carotene, and Zinc for Age-Related Macular Degeneration and Vision Loss", the term zinc, as defined and used in that report, also includes copper. Page 1417 of ARED's Report No. 8, under the heading "Design", the last sentence thereof, defines "zinc" as zinc and copper. Page 1418 from the same report, under the heading "Study Design", contains the following language:

"The 4 treatment interventions were double-masked and given as an oral total daily supplementation of antioxidants (500 mg of vitamin C, 400 IU of vitamin E, and 15 mg of beta carotene), or zinc (80 mg of zinc as zinc oxide and 2 mg of copper as cupric oxide to prevent potential anemia), or the combination of antioxidants and zinc, or placebo.

As in all vitamin products, some ingredients degrade somewhat during the life of the product (ie, prior to expiration date). The manufacturer formulated each product with slightly different amounts of ingredients than listed above in an effort to achieve appropriate potency at the expiration date.*

*Tablets used in the active treatment arms of these trials were manufactured to have the following minimum contents throughout the shelf life of the product: 7160 IU of vitamin A (beta carotene), 113 mg of vitamin C (ascorbic acid), 100 IU of vitamin E (dl-alpha tocopheryl acetate), 17.4 mg of zinc (zinc oxide), and 0.4 mg of copper (cupric oxide)."

The term "zinc" in the title of ARED's Report No. 8 means the combination of zinc and copper.

The Examiner suggested, and Applicants agreed, to amend claims 1, 2, 26 and 27 by inserting immediately following the term "comprising" the language "on a daily dosage basis". The Examiner also suggested, and Applicants also agreed, to further amend claims 1, 2, 26 and 27 by deleting the language "approximately the RDA of copper" and replacing it with the language "at least 1.6 mg of copper". Claims 1, 2, 26 and 27 have been amended without the addition of new subject matter. Support for the amendments to claims 1, 2, 26 and 27 are found in the subject specification on page 8, paragraph 20, lines 1 and 2, and page 17, paragraph 33, line 4, as well as other locations throughout the specification.

Applicants believe, based on the interview with the Examiner and the August 6 advisory action, that the amendment of claims 1, 2, 26 and 27 has placed all remaining claims in allowable form. Allowance of the application is respectfully solicited. In the event that the Examiner has any questions concerning this communication, the Examiner is requested to contact the undersigned at (585) 338-8417.

Respectfully submitted,

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